STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

FRATERNAL ORDER OF POLICE,)
LODGE NO. 15)
)
)
Petitioner)
)
)
v.)
) <u>ULP NO. 06-08-535</u>
)
CITY OF DOVER)
)
Respondent.)

ORDER OF DISMISSAL

1. FRATERNAL ORDER OF POLICE, LODGE NO. 15, ("FOP Lodge No. 15") is an employee organization within the meaning of 19 <u>Del. C</u>. Section 1602(g)¹, of the Police Officers' and Firefighters' Employment Relations Act, and the exclusive bargaining representative within the meaning of 19 <u>Del.C</u>. Section 1602(h)², for the bargaining unit consisting of all sworn police officers up to and including the rank of captain.

¹ (g) "Employee organization" means any organization which admits to membership police officers or firefighters employed by a public employer and which has as a purpose the representation of such employees in collective bargaining, and includes any person acting as an officer, representative or agent of such organization.

² (h) "Exclusive bargaining representative" or "exclusive representative" means the employee organization which as a result of certification by the Board has the right and responsibility to be the collective bargaining agent of all employees in that bargaining unit.

2. The Respondent, CITY OF DOVER ("CITY"), is a public employer within the meaning of the Public Employment Relations Act, 19 <u>Del. C</u>. Section 1602(1)³.

3. On August 16, 2006, FOP Lodge No. 15 filed an Unfair Labor Practice Charge,

alleging the City violated 19 Del. C. Section 1607 (a)(5) and (a)(6), by

unilaterally changing the Education Assistance Plan to require employees to

exhaust reimbursement from other sources prior to requesting reimbursement

from the City.

4. Via telephone communication with the PERB, and prior to an Answer being filed

by the City, FOP Lodge No. 15 advised that the parties had reached a settlement

on all issues.

5. Via e-mail communication dated October 3, 2006, City of Dover confirmed that

the Town Council voted unanimously to accept the new contract.

6. By letter to the PERB dated November 14, 2006, FOP Lodge No. 15 advised the

PERB the FOP had ratified the new agreement. FOP Lodge No. 15 requested to

withdraw the unfair labor practice charge.

WHEREFORE, this Charge is hereby dismissed.

IT IS SO ORDERED.

Charles O. Lang, J.

Charles D. Long, Jr. Executive Director

DATED: November 28, 2006

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³ (1) "Public employer" or "employer" means the State, any county, of the State or any agency thereof, and/or any municipal corporation, municipality, city or town located within the State or any agency thereof, which upon the affirmative legislative act of its common council or other governing body has elected to come within the former Chapter 13 of this title or which hereafter elects to come within this chapter, or which employs 100 or more full-time employees.